REMARKS

Claims 1-31 are currently pending in the application. Claims 20-25 are allowed. Claims 30 and 31 have been withdrawn from consideration. Claim 18 is hereby cancelled.

Claims 1-17 stand rejected under 35 USC §112 as allegedly being indefinite for failing to particularly point out and distinctly claim the invention. The Examiner has questioned the clarity of the stated range. The upper end of the range in claim 1 is 180 days. The lower end of the range is at least two days. As will be explained in greater detail below, the objective of the present invention is to construct the golf ball so that it will not deteriorate upon being immersed in water for at least two days. Accordingly, the golf ball will not degrade over the course of a round of golf or upon being immersed, as in a water hole, for a period of less than two days. However, it is desirable, as explained in greater detail below, that this degradation occur in a time period that is less than 180 days.

Claims 1-17, 19, 28, and 29 stand rejected under 35 USC §102 as allegedly anticipated by United States Patent Application Publication US2002/0094885 (Finkel). Claims 26 and 27 stand rejected under 35 USC §102 as allegedly anticipated by U.S. Patent No. 6,315,683, to Yoshida et al (Yoshida).

Reconsideration of the rejection of claims 1-17, 19 and 26-29 is requested.

Claim 1 characterizes the portion of the spherical outer surface as maintaining the at least one of the first shape, first diameter, and first hardness for at least two days with the golf ball continuously immersed in water. However, at a time period less than 180 days, a portion of the spherical outer surface changes from at least one of the first external shape, first diameter, and first hardness so that the golf ball has a second performance characteristic that is different than the first performance characteristic.

The goal of the present invention is as follows. The material that defines the golf ball is of a nature that within a two day continuous immersion, the performance characteristics of the golf ball will not detectably change.Thus, a golfer can play an entire round of golf in rainy conditions without fear that the material defining the portion of the spherical outer surface will degrade to the point that the performance characteristics of the golf ball change appreciably. However, this degradation is required in claim 1 to take place upon continuous immersion for a period of not greater than 180 days. The significance of the 180 day upper limit is as follows.

At the end of a golf season, a relatively large number of golf balls may have been struck into water hazards. Some courses may retrieve the balls from the hazards at the beginning of the next golf season. The objective of the present invention is to avoid recovery of balls that were immersed in the off-season for resale. To avoid this situation, within that 180 days, the golf balls degrade to the point that they are not practically saleable for re-use. This significantly cuts down on resale volume, which stimulates new golf ball sales. This 180 day time period is also significant in that golf balls hit into a water hole at the beginning of a season, and recovered near the end of a season, after 180 days, will also be undesirable for re-sale.

However, a key to the inventive concept is the fact that there is a delayed degradation of the golf ball. Thus, as noted above, the golf ball can be used in wet conditions for a full round of golf or immersed in water for even two days before the performance characteristics appreciably change. The invention is not directed to a golf ball that will instantaneously begin to melt when exposed to water, such as rainy conditions, damp grass, etc. Such a golf ball is impractical for regular use, as is made possible with the Applican'ts claimed golf ball.

Finkel is directed to a golf ball that is intended to immediately degrade. As stated in the Abstract, "The golf ball material will quickly oxidize, degrade, disintegrate, melt or otherwise decompose to leave products harmless to, or beneficial to, the natural environment".

Finkel does not teach or suggest the structure recited in claim 1.

Claims 2-17 and 19 depend cognately from claim 1 and recite further significant structural detail to further distinguish over the cited art.

Claims 28 and 29 have been amended to clarify the lower range of the immersion period below which there is not an appreciable change of state of the material in the capillary.

Claim 26 has been amended to characterize that the material filling the capillary is different than the material defining the cover layer. Yoshida does not teach or suggest such a composition.

Claim 27 depends from claim 26 and further distances the claimed structure from Yoshida.

Reconsideration of the rejection of claims 1-17, 19 and 26-29 and allowance of the case are requested

Respectfully submitted,

By _____
John S. Mortimer, Reg. No. 30,407

WOOD, PHILLIPS, KATZ,
CLARK & MORTIMER
500 W. Madison St., Suite 3800
Chicago, IL 60661
(312) 876-1800

Date: March 25, 2004